HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25934 of 2007

Dated 6th December, 2007

Between

Barla Rosaiah

…Petitioner

and

The Government of AP, rep. By its Secretary,
Tribal Welfare Department, Secretariat, Hyderabad, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25934 of 2007

ORDER:

The petitioner claims to be the owner and possessor of the lands admeasuring 20 guntas covered by Sy.No. 290/VU and Ac.1.30 guntas covered by Sy.No. 290/VUU of Danthelabora village ,Palvancha Mandal in Khammam District. It is stated that his father had purchased the said land from a non-tribal on 20-4-1968, but, however, on the ground that the said transaction is in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959, as amended by Regulation 1 of 1970, proceedings were initiated against the petitioner and the primary authority, i.e. Special Deputy Collector, Badrachalam, by order dated 22-3-2005 ordered eviction of the petitioner and directed to take the said land into Government custody. It is stated that the said order of the primary authority was confirmed by

the appellate authority by order dated 22-9-2007. It is further stated that aggrieved by the same, the petitioner has preferred revision petition as contemplated under Regulation 6 of the A.P. Scheduled Areas Land Transfer Regulations 1959 and the same is pending consideration. On the ground that in spite of the revision petition filed by the petitioner, no orders have been passed and on other hand, respondents are taking steps for eviction of the petitioner, he has come up with this Writ Petition.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

In view of the pendency of the revision petition filed before the first respondent-Government, in which the petitioner has questioned the validity of the order passed by the appellate authority, it is not desirable to record any finding on the merits of the validity of the purchase of the subject land by the petitioner. However, as it is stated that the said land was purchased in the year 1968 and the petitioner is in continuous possession of the same since then, and further, revision petition filed by the petitioner before the first respondent-Government on 27-11-2007 is pending consideration, I deem it appropriate to hold that any eviction at this stage will result in hardship to the petitioner. In that view of the matter, I dispose of the Writ Petition, directing the first respondent to dispose of the revision petition filed by the petitioner on 27-11-2007 as expeditiously as possible, by giving opportunity to him. Till then, the eviction order dated 22-3-2005 passed by the primary authority, as confirmed by the appellate authority by order dated 22-9-2007 shall not be enforced.

Subject to the above direction, the Writ Petition is disposed of at

the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 6-12-2007
CC by tomorrow
(BO)Msnr.